



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS

Grover Sellers
~~XXXXXXXXXXXXXX~~
ATTORNEY GENERAL

Honorable D. Richard Voges
County Attorney, Wilson County
Floresville, Texas

Dear Sir:

Opinion No. O-6093
Re: Fees of County Clerk where
the defendant was acquitted
in the trial of a criminal
case in the county court.

Your letter of October 10, 1944, requesting the opinion
of this department on the questions stated therein, is as follows:

"In a County Court case where the defendant in
a criminal action was found not guilty by a jury, is
the County Clerk entitled to any fees for expense
of office concerning said case?"

"Article 3930, of the Revised Civil Statutes,
lists the fees that the county clerks are allowed
to receive. Does this Article apply to the above
condition?"

Generally speaking, Chapter II, Title 15, Vernon's
Annotated Code of Criminal Procedure, prescribes the cost to be
paid by the State in criminal cases. Chapter III, Title 15,
Vernon's Annotated Code of Criminal Procedure, prescribes the
cost to be paid by the county in certain instances as provided
in said Chapter. Chapter IV, Title 15, Vernon's Annotated
Code of Criminal Procedure, prescribes the cost to be taxed
against the defendant in a misdemeanor case on conviction.

Article 1064, Vernon's Annotated Code of Criminal
Procedure, prescribes the fees to be allowed the clerks of
district and county courts in criminal cases that are to be
taxed against the defendant on conviction.

Article 3930 of Vernon's Annotated Civil Statutes,
prescribing certain fees for clerks or county courts has no
application to the questions under consideration. You state
that the defendant was acquitted on the trial of the case in
the county court. This being true, you are respectfully advised
that it is our opinion that the county clerk is not entitled to
any fees or compensation, whatsoever, in said case under the facts stated.

Yours very truly

ATTORNEY GENERAL OF TEXAS
By /s/ Ardell Williams
Assistant

AW:rt:jrb
APPROVED OCT. 23, 1944
/s/ Carlos C. Ashley
FIRST ASSISTANT
ATTORNEY GENERAL

APPROVED OPINION COMMITTEE
BY BWE, Chairman